

GORDON SILVER
Erika Pike Turner
Nevada Bar No. 6454
Email: eturner@gordonsilver.com
Dylan T. Ciciliano
Nevada Bar No. 12348
Email: dciciliano@gordonsilver.com
3960 Howard Hughes Pkwy, 9th Flr
Las Vegas, NV 89169
Tel: (702) 796-5555/Fax: (702) 369-2666

JK Legal & Consulting, LLC
Jared B. Kahn
Nevada Bar No. 12603
Email: jkahn@jk-legalconsulting.com
P.O. Box 60512
Las Vegas, NV 89160
Tel: (702) 708-2958/Fax (866) 870-6758
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRIAN SPILSBURY, an individual and as trustee of THE BRIAN E. SPILSBURY TRUST;
DEE ANN SPILSBURY, an individual; KEVIN SPILSBURY, an individual and as trustee of THE KEVIN J. SPILSBURY TRUST;
ANTHONETTE SPILSBURY, an individual;
JOINT FORCES, LLC, a Nevada limited liability company; PREMIER MECHANICAL, LLC, a Nevada limited liability company; CREST RIDGE, LLC, a Nevada limited liability company; R. GLENN WOODS as trustee of THE KEVIN J. SPILSBURY 2000 TRUST and THE BRIAN E. SPILSBURY 2000 TRUST,

Plaintiffs,

vs.

U S SPECIALTY INSURANCE COMPANY, a Texas corporation; AMERICAN CONTRACTORS INDEMNITY COMPANY, a California corporation; MTC FINANCIAL INC., d/b/a TRUSTEE CORPS, a California corporation; DOES I through X, inclusive; ROE ENTITIES I through X, inclusive,

Defendants.

CASE NO. 2: 14-cv-00820-GMN-GWF

**ORDER GRANTING
PRELIMINARY INJUNCTION**

On June 16, 2014, Defendants U.S. Specialty Insurance Company, American Contractors Indemnity Company, HCC Surety Group, Texas Bonding Company and United States Surety

1 Company (collectively, the "Surety Defendants") and Plaintiffs (collectively, with the Surety
2 Defendants, the "Parties") entered into a Stipulation and Order for Preliminary Injunction (the
3 "Stipulated Injunction") that was approved by the Court. [Dkt. 18]. Therein the Parties stipulated
4 to the following relevant facts:

- 5 • Defendant U.S. Specialty Insurance Company recorded, on April 7, 2014, a Notice of
6 Breach and Default and Election to Cause the Sale of Real Property Under Deed of
7 Trust (the "NODs") to commence a non-judicial foreclosure sale of real property
8 known as 2868 Anaheim Avenue, Henderson, Nevada 89074 (the "Anaheim
9 Property").
- 10 • Plaintiffs, on May 13, 2014, filed a Motion for Preliminary Injunction (the "Motion")
11 in the State Court matter before the case was removed.
- 12 • Plaintiffs, in the Motion, sought an Order enjoining the Surety Defendants from
13 conducting foreclosure sales of the Anaheim Property and another piece of real
14 property identified as 244 Bethwick Circle, Las Vegas, Nevada 89120 (the "Bethwick
15 Property").

16 The Parties further stipulated that the Court could order a preliminary injunction
17 enjoining the Surety Defendants from continuing with the non-judicial foreclosure sale of the
18 Anaheim Property and the Bethwick Property pending the final resolution or adjudication of the
19 parties' claims and defenses in this matter.

20 THEREFORE, IT IS HEREBY ORDERED that the Surety Defendants are preliminarily
21 enjoined from completing a non-judicial foreclosure sale of the Anaheim Property until further
22 Order of the Court following further stipulation of the Parties or the Court's adjudication of the
23 parties' claims and defenses in this matter.

24 IT IS FURTHER ORDERED that the Surety Defendants are preliminarily enjoined from
25 completing a non-judicial foreclosure sale of the Bethwick Property until further Order of the
26 Court following further stipulation of the Parties or the Court's adjudication of the parties'
27 claims and defenses in this matter.

28 ///

1 IT IS FURTHER ORDERED that no security is required of Plaintiffs pursuant to Fed. R.
2 Civ. P. 65(c), as the Parties have agreed to waive the security requirement.

3 IT IS FURTHER ORDERED that the Motion is considered withdrawn.

4 IT IS SO ORDERED this 23rd day of June, 2014.

5 
6
7 Gloria M. Navarro, Chief Judge
8 United States District Court

9 Submitted by:

10 /s/ Erika Pike Turner
11 GORDON SILVER
12 Erika Pike Turner, Nevada Bar No. 6454
13 Dylan T. Ciciliano, Nevada Bar No. 12348
14 3960 Howard Hughes Pkwy, 9th Flr
15 Las Vegas, NV 89169
16 Tel: (702) 796-5555
17 Fax: (702) 369-2666

18 AND

19 JK Legal & Consulting, LLC
20 Jared B. Kahn, Nevada Bar No. 12603
21 P.O. Box 60512
22 Las Vegas, NV 89160
23 Tel: (702) 708-2958
24 Fax (866) 870-6758
25 *Attorneys for Plaintiffs*

26 Approved as to Content and Form:

27 /s/ Colin R. Chipman
28 THE FAUX LAW GROUP
Kurt C. Faux, Nevada Bar No. 003407
Colin R. Chipman, Nevada Bar No. 10544
1540 W. Warm Springs Road, Suite 100
Henderson, Nevada 89014
Telephone: (702) 458-5790
Facsimile: (702) 458-5794
*Attorneys for U.S. Specialty Insurance Company,
American Contractors Indemnity Company, HCC Surety Group,
Texas Bonding Company and United States Surety Company*